

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America  
v.  
John Doe, a/k/a Daniel Torres-Santiago

Case No.

18- 1416-M [UNDER SEAL]

\_\_\_\_\_  
Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 21, 2015 in the county of Montgomery in the  
Eastern District of Pennsylvania, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. §§ 922(a)(6) &amp; 924(a)(2)

false statements in connection with the acquisition of a firearm

18 U.S.C. § 1028A

aggravated identity theft

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

*L. Reinhold*  
Complainant's signature

Lisa M. Reinhold, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/06/2018

*Thomas J. Rueter*  
Judge's signature

City and state: Philadelphia, Pennsylvania

Hon. Thomas J. Rueter, U.S. Magistrate Judge  
Printed name and title

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AFFIDAVIT**

I, Lisa M. Reinhold, depose and swear as follows:

**Background of Affiant**

1. I am a Special Agent with Homeland Security Investigations (“HSI”), Department of Homeland Security (“DHS”). HSI is the primary investigative arm of DHS. During the past seventeen years I have been employed by HSI and have conducted numerous investigations of violations of U.S. customs law and U.S. immigration law. I am currently assigned to the ID Benefit Fraud unit of the HSI Office of the Special Agent in Charge in Philadelphia, Pennsylvania.

2. I am currently an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and am empowered by law to conduct investigations and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

3. I have participated in numerous arrests and search and seizure warrants for violations of state and federal laws. I have interviewed numerous offenders. I have testified in federal courts concerning identity theft, immigration fraud, and firearms offenses. As a result of my training, education, experience, and discussions with more experienced law enforcement personnel, I am familiar with the manner in which offenders, including illegal aliens, steal identity documents from U.S. citizens and subsequently present those documents as their own. These offenders are often able to acquire a driver’s license with the stolen documents and completely assume the identity of the U.S. citizen.

**Purpose of the Affidavit**

4. As explained in detail below, I have probable cause to believe that JOHN DOE (“DOE”), an unknown subject using the name “Daniel Torres-Santiago,” committed, within the Eastern District of Pennsylvania, violations of 18 U.S.C. §§ 922(a)(6) and 924(a)(2) and 18 U.S.C. § 1028A. Evidence described below has shown that DOE assumed the identity of Daniel Torres-Santiago, a U.S. citizen residing in the Commonwealth of Puerto Rico, and subsequently used a fraudulent Social Security card and a fraudulent Puerto Rican birth certificate to obtain, from the Pennsylvania Department of Transportation, a Pennsylvania driver’s license, in the name of “Daniel Torres-Santiago.” Thereafter, DOE, on or about October 21, 2015, used that Pennsylvania driver’s license in connection with the acquisition of a firearm from a licensed firearms dealer in West Norriton Township, Montgomery County, Pennsylvania.

5. I submit this Affidavit in support of a criminal complaint and arrest warrant for DOE for: (a) false statements in connection with the acquisition of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and (b) aggravated identity theft, in violation of 18 U.S.C. § 1028A.

6. For the reasons set forth herein, there is probable cause to believe that on or about October 21, 2015, DOE, in the Eastern District of Pennsylvania and elsewhere:

- a. in connection with the acquisition of a firearm, that is, a Taurus 9 mm pistol, Model No. PT 709, Serial No. TIS73658, from Treeline Sports Inc., a licensed dealer of firearms, knowingly made a false and fictitious written statement, in that DOE provided a written statement on Firearm Transaction Record, Part I—Over-the-Counter, ATF Form 4473, certifying that his name was Daniel Torres-Santiago and that his Social Security Number was the Social Security Number assigned to Mr. Torres-Santiago, knowing those statements were false and fictitious, and furnished and exhibited a false, fictitious, and misrepresented identification,

which were intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and

- b. knowingly and without lawful authority used a means of identification of another person, that is, the name and Social Security Number of Daniel Torres-Santiago, during and in relation to the making of false statements in connection with the acquisition of a firearm, in violation of 18 U.S.C. § 1028A.

7. The information contained in this Affidavit is based upon, among other things: my personal knowledge, my general experience in identity theft, immigration, and firearms investigations, information provided to me by other law enforcement officers, information provided by the victim of the aggravated identity theft and by the licensed firearms dealer, and my review of documents.

8. This Affidavit is being executed as part of an ongoing investigation and is based on my current understanding of the relevant facts based on the above. As the investigation proceeds, new facts may come to light that qualify or contradict prior facts. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the criminal complaint and arrest warrant, Your Affiant has not included each and every fact known concerning this investigation. Rather, the facts set forth herein constitute a summary of the investigation and the known facts. Further, Your Affiant has only set forth the facts that Your Affiant believes are necessary to establish that there is probable cause to believe that DOE has violated: (a) 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and (b) 18 U.S.C. § 1028A.

#### **Applicable Laws**

9. Title 18, United States Code, Section 922(a)(6) makes it unlawful:

for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector,

knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter[.]

10. Title 18, United States Code, Section 1028A(a)(1) states: “Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.” Title 18, United States Code, Section 1028A(c)(3) states that, “[f]or purposes of this section, the term ‘felony violation enumerated in subsection (c)’ means any offense that is a felony violation of . . . [18 U.S.C.] section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm).” A knowing violation of 18 U.S.C. § 922(a)(6) is punishable by a fine, imprisonment of not more than ten years, or both, 18 U.S.C. § 924(a)(2), and, thus, such a violation is a felony, 18 U.S.C. § 3559(a)(3) (classifying an offense with a maximum term of imprisonment of less than twenty-five years but ten or more years as a “Class C felony”).

#### **Summary of the Investigation**

11. HSI and the Office of Inspector General of the Social Security Administration have been investigating the use of certain identifying information and certain purported identification documents by DOE, an unknown Hispanic White male, who is approximately forty-five years of age and approximately five feet and six inches in height and has brown eyes. DOE is believed to reside at, or to have resided at, 82 East Township Line Road in Exton, Uwchlan Township, Chester County, Pennsylvania. DOE is depicted in a Pennsylvania Department of Transportation photo identification card or driver’s license issued in the name of “Daniel Torres-Santiago,” bearing driver license number 29 279 121, and listing “82



E TOWNSHIP LINE RD, EXTON, PA 19341” as the “driver address,” based on recent Pennsylvania Department of Transportation records.

12. Records from the Pennsylvania Department of Transportation indicate that the Department issued a Pennsylvania driver’s license on or about March 28, 2007, to a “Daniel Torres-Santiago,” bearing driver license number 29 279 121. In connection with the application for this Pennsylvania driver’s license, DOE, on or about March 28, 2007, appears to have presented what are believed to be a fraudulent Puerto Rican certificate of birth (in the name of “Daniel Torres Santiago,” with certificate number 152-1971-03341-000000-124076 04017483) and a fraudulent Social Security card (in the name of “Daniel Torres Santiago,” with the Social Security Number assigned to Mr. Torres-Santiago by the Social Security Administration).<sup>1</sup> Based on records from the Pennsylvania Department of Transportation, this driver’s license (or photo identification associated with the aforementioned driver license number) was renewed, issued, or re-issued on or about September 7, 2007, April 24, 2008, October 31, 2011, July 18, 2012, September 2, 2015, and August 16, 2017.<sup>2</sup>

13. Based on information set forth below, it is believed that, on or about October 21, 2015, DOE purchased a firearm- specifically, a Taurus 9 mm pistol, Model No. PT 709, Serial No. TIS73658 -from Treeline Sports Inc., a licensed dealer of firearms located at 1447 West Main Street, in West Norriton Township, Montgomery County, Pennsylvania. In connection with this purchase, based on information set forth below it is believed that DOE

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<sup>1</sup> Because the Government obtained from the Pennsylvania Department of Transportation only copies of the birth certificate and Social Security card (because the Department only had copies of those documents), it is unclear whether the documents were fake documents or stolen “legitimate” documents. In any event, it appears that DOE used the documentation in a fraudulent manner.

<sup>2</sup> Based on records from the Pennsylvania Department of Transportation, the operating privileges of DOE, a/k/a “Daniel Torres-Santiago,” were suspended several times, for, among other things, driving under the influence of alcohol or a controlled substance. This likely may explain why, at varying times, DOE held a non-driver photo identification card, as opposed to a driver’s license.

presented to Jessica Zachau, the owner of Treeline Sports Inc., a completed and signed Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) Form 4473 (Firearms Transaction Record, Part I–Over-the-Counter). On the ATF Form 4473, the transferee’s (i.e., the firearm purchaser’s) full name is listed as Daniel Torres-Santiago, with a place of birth of “Puerto Rico,” Mr. Torres-Santiago’s date of birth, and the Social Security Number assigned to Mr. Torres-Santiago.<sup>3</sup> This ATF Form 4473 was signed and dated “10/21/2015.” The transferor or seller is listed as Jessica Zachau of “Treeline Sports Inc., 1447 West Main Street, Norristown PA. 19403,” with a “Date Transferred” of “10/21/15.” On that section of the ATF Form 4473 listing the form of identification presented in connection with the sale, “Pennsylvania Drivers [sic] license,” with number “29 279 121” and an expiration date of August 22, 2019, are indicated (August 22, 2019, is the current expiration date of the driver’s license).

14. On June 14, 2018, I interviewed Jessica Zachau and presented her with a copy of the completed and signed ATF Form 4473. Among other things, Ms. Zachau told me that, based on her and Treeline Sports Inc.’s practice, the sale would only be to the exact person depicted on the driver’s license provided for the sale. Further, Ms. Zachau confirmed that the signature set forth at question 34 of the ATF Form 4473 (“Transferor’s/Seller’s Signature”) was hers.

15. On June 7, 2018, HSI Special Agents interviewed a Daniel Torres-Santiago (i.e., the person believed to be the actual Daniel Torres-Santiago and not DOE) at his place of residence in Puerto Rico. Mr. Torres-Santiago provided several documents to verify his identity, namely a valid Puerto Rico driver’s license, a Social Security card (with the Social Security Number used by DOE), and a Puerto Rico birth certificate (with the same certificate

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<sup>3</sup> Your Affiant knows the Social Security Number and date of birth of the actual Daniel Torres-Santiago but is not including them here out of concern for his privacy.

number used to obtain the Pennsylvania driver's license in the name of "Daniel Torres Santiago"). Among other things, Mr. Torres-Santiago told the agents that he has resided at his Puerto Rican address for well over fifteen years and has never traveled outside of Puerto Rico.

16. On August 1, 2018, agents from the Pennsylvania Attorney General's Office ("AGO") conferred with me, and, among other things, I provided them with copies of Pennsylvania Department of Transportation records (which included photographs of DOE) and copies of a photograph of the actual Daniel Torres-Santiago, who resides in Puerto Rico. Then, on August 1, 2018, the AGO agents proceeded to 1047 Cherry Street, in Norristown, Montgomery County, Pennsylvania, where they met a woman who identified herself as Yadira Rodriguez-Franco. Ms. Rodriguez-Franco told the AGO agents that she was separated from Daniel Torres-Santiago (i.e., DOE), that he is the father of her children, that he was (at the time of the interview and for the prior three months) in Mexico because his mother had died, that she expected him to return on August 30, 2018, and that she was present when he purchased the Taurus 9 mm pistol, Model No. PT 709, Serial No. TIS73658, from Treeline Sports Inc. on October 21, 2015.

17. Then, on August 1, 2018, after interviewing Ms. Rodriguez-Franco, the AGO agents proceeded to 82 East Township Line Road in Exton, Uwchlan Township, Chester County, Pennsylvania, where they approached DOE. They recognized DOE as the person depicted in the photograph on the driver's license assigned to Daniel Torres Santiago. DOE told the AGO agents that he purchased the Taurus 9 mm pistol, Model No. PT 709, Serial No. TIS73658, from Treeline Sports Inc. on October 21, 2015. When presented with a copy of the ATF Form 4473, he stated that he completed Section A of the form (which requests, among other things, the transferee's name, date of birth, and Social Security Number) and that the signature at



question 16 (“Transferee’s/Buyer’s Signature”) was his. DOE also told the AGO agents that he still had the Taurus 9 mm pistol, Model No. PT 709, Serial No. TIS73658, and pursuant to DOE’s consent (including as reflected on a “Consent Search” form that DOE executed)—voluntarily turned that firearm over to the AGO agents.

18. Thus, the investigation to date reveals that DOE assumed the identity of Daniel Torres-Santiago, a U.S. citizen residing in Puerto Rico, used that stolen identity, along with fraudulent identification documents, to obtain a Pennsylvania driver’s license, and then used the stolen identity and the fraudulently obtained driver’s license to purchase a firearm from a licensed firearms dealer, in the course of which purchase he knowingly made false and fictitious written statements (i.e., about his identity), and furnished the false, fictitious, and misrepresented driver’s license, such false and fictitious written statements and false, fictitious, and misrepresented driver’s license being material to the lawfulness of the firearm sale.

#### **Conclusion and Request for Sealing**

19. Based on the foregoing, there is probable cause to believe that DOE engaged in (a) false statements in connection with the acquisition of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2); and (b) aggravated identity theft, in violation of 18 U.S.C. § 1028A.

20. Because this is an application that pertains to an ongoing criminal investigation and because disclosure of the information contained herein as well as disclosure of the warrant being requested herein may compromise the investigation by informing the target of the investigation of the nature and techniques of the investigation, and affording the target of the investigation an opportunity to flee or to destroy or to tamper with evidence or witnesses, I

request that the arrest warrant, criminal complaint, application, and this Affidavit be ordered sealed by the Court, and be unsealed upon the arrest of DOE or further order of the Court.

  
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LISA M. REINHOLD, SPECIAL AGENT  
HOMELAND SECURITY INVESTIGATIONS

Sworn to and subscribed before me  
this 6<sup>th</sup> day of September 2018.

  
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THE HONORABLE THOMAS J. RUETER  
MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT